

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TRAVIS WAYNE TOLLEY,)	
Plaintiff,)	Civil Case No. 7:19-cv-00863
v.)	
)	By: Elizabeth K. Dillon
ROCKBRIDGE REGIONAL DRUG)	United States District Judge
TASK FORCE, <i>et al.</i> ,)	
Defendants.)	

ORDER

For the reasons set forth in the accompanying memorandum opinion, and pursuant to its obligation to review Tolley's complaint pursuant to 28 U.S.C. § 1915A(a), it is hereby

ORDERED that:

1. Tolley's motion to amend (Dkt. No. 7) is GRANTED, and pages 1 through 13 of Dkt. No. 7 are DEEMED to replace pages 6 through 18 of Dkt. No. 1.
2. All claims against defendants Wilhelm and the Rockbridge Regional Drug Task Force are DISMISSED WITH PREJUDICE; and the Clerk shall TERMINATE them as defendants.
3. Tolley's claims based on the search, seizure, or harassment of other individuals, such as his rental tenants, are DISMISSED WITH PREJUDICE, as he lacks standing to raise such challenges.
4. Tolley's claim that defendants failed to investigate a break-in or robbery at his home is DISMISSED WITH PREJUDICE.
5. All claims against Rockbridge County, the City of Buena Vista, the City of Lexington, Andy Fischer, and Sam Roman are DISMISSED WITHOUT PREJUDICE, and the Clerk shall TERMINATE them as defendants.
6. Tolley's claims arising from the January 10, 2018 search, except his claim regarding being transported by the K-9 transport van, are DISMISSED WITHOUT PREJUDICE.
7. Tolley's claim concerning the alleged sexual misconduct by defendant Gardner is DISMISSED WITHOUT PREJUDICE.
8. Tolley's claim that defendants tried to convince him to conduct a "controlled buy" while he was on supervised parole is DISMISSED WITHOUT PREJUDICE.

9. Tolley's claim that he was the subject of a "dirty bust" on July 5, 2018 is DISMISSED WITHOUT PREJUDICE.

All other claims remain in the case at this time. The court notes that the dismissal without prejudice as to any defendant or any claim leaves Tolley free to file a second amended complaint if he can correct the deficiencies identified in the court's memorandum opinion.

Additionally, the court previously assessed a filing fee in this prisoner civil rights case, and plaintiff returned an executed inmate "Consent to Fee" form. It is thus further ORDERED that:

10. Plaintiff's motion for leave to proceed *in forma pauperis* (Dkt. No. 3) is GRANTED to the extent plaintiff does not pay for service of process and may pay the filing fee via installments.
11. The Clerk shall cause the following defendant(s) to be notified of this action, pursuant to Rule 4 of the Federal Rules of Civil Procedure: Ben Caldwell, A.W. Buzzard, Greg Gardner, Phillip Flint, and Troy Wymer. In notifying these defendants, the Clerk shall provide each defendant copies of plaintiff's original complaint (Dkt. No. 1), his amended complaint (Dkt. No. 7), the accompanying memorandum opinion, and this order. The Clerk may use the addresses for each defendant provided by plaintiff in the summonses attached to his original complaint (Dkt. No. 1-1).
12. The Clerk is directed to forward a copy of plaintiff's signed consent to withholding form to the Trust Accounts Officer at plaintiff's current place of confinement.
13. The collection of the \$350.00 fee shall commence. The Trust Accounts Officer at plaintiff's current place of confinement, and at all subsequent places of confinement, is hereby authorized to collect the fees as agreed to by plaintiff on the signed consent form, and to remit such fees in accordance with 28 U.S.C. § 1915(b). The Trust Accounts Officer at plaintiff's present institution is requested to place the signed consent to withholding form in plaintiff's file so that it might accompany the inmate in the event of his transfer. Should plaintiff be transferred to another institution, the balance due for the civil action will be inserted in plaintiff's file so that the appropriate officer at the next institution will remit the debt owed to the Clerk, U.S. District Court, 210 Franklin Road SW, Suite 540, Roanoke, Virginia 24011-2208. The Trust Accounts Officer is requested to reference the case number of this action on payments sent to the court.
14. The parties are advised that, pursuant to a Standing Order of Court, all non-dispositive matters in this case will be referred to a United States Magistrate Judge.

15. The Clerk shall send a copy of this order and the accompanying memorandum opinion to plaintiff.

Entered: May 14, 2020.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge